

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

STATE OF CALIFORNIA, et al.,
Plaintiffs,
v.
ANDREW WHEELER, et al.,
Defendants.

Case No. [20-cv-03005-RS](#)

ORDER FOR ADDITIONAL BRIEFING

Plaintiffs' pending motion seeks either a traditional preliminary injunction to preclude defendants from implementing the so-called 2020 Navigable Waters Protection Rule, or a stay of the effective date of the Rule pursuant to section 705 of the Administrative Procedures Act, 5 U.S.C §705. Plaintiffs acknowledge that, generally, entitlement to relief under section 705 is measured by the same standards as a preliminary injunction. The parties are requested to provide further briefs, not to exceed 10 pages each, no later than noon on June 16, 2020, addressing the following question: Does the existence of a specific statutory provision authorizing a court to stay the effective date of an agency rule have any effect on the considerations otherwise applicable when evaluating the propriety of a so-called "nationwide injunction"? The parties should not infer from this request that the court has reached any conclusions, even on a tentative basis, as to whether plaintiffs will be entitled to any relief or not.

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IT IS SO ORDERED.

Dated: June 12, 2020



RICHARD SEEBORG
United States District Judge